

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED SPECIALTY INSURANCE §  
COMPANY, §  
Plaintiff §

v. §

CASE NO. 7:16-cv-00636

ROYAL FREIGHT, L.P. and NERI §  
OLIVAREZ, individually and as §  
personal representative and heir §  
of the estate of JORGE OLIVAREZ, §  
deceased, §  
Defendants §

**DEFENDANT UNITED SPECIALTY INSURANCE COMPANY'S  
MOTION TO DISMISS WITHOUT PREJUDICE**

TO THE COURT:

Defendant UNITED SPECIALTY INSURANCE COMPANY, ROYAL FREIGHT, LP and NERI OLIVAREZ, individually and as personal representative and heir of the estate of JORGE OLIVAREZ, deceased, files this as its Motion to Dismiss Without Prejudice:

**Background and Motion**

The Underlying Lawsuit between NERI OLIVAREZ, individually and as personal representative and heir of the estate of JORGE OLIVAREZ and ROYAL FREIGHT, L.P. has settled. As a result, USIC no longer needs to pursue declaratory relief. USIC, NERI OLIVAREZ, individually and as personal representative and heir of the estate of JORGE OLIVAREZ and ROYAL FREIGHT, L.P. moves this Court to dismiss this case, without prejudice to the refile of same.

**Prayer**

USIC, NERI OLIVAREZ, individually and as personal representative and heir of the estate of JORGE OLIVAREZ and ROYAL FREIGHT, L.P. pray that this Court dismiss the pending action, without prejudice to the refiling of same, should it become necessary in the future.

Respectfully Submitted,

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**Attorneys for NERI OLIVAREZ, individually and as personal  
representative and heir of the estate of JORGE OLIVAREZ**